

## FOUR MEN NAMED NEED NOT SERVE

No Law Compelling a Man to Act as Trustee of Insurance Company.

## MUTUAL LIFE CASE HEARING

BRIEF FILED BY ATTORNEY UNTERMYER.

Albany, N. Y., July 28.—The fight of the International policyholders committee to compel the Mutual Life Insurance company to drop the names of Judge Gray, Colonel Shook, General Track and Harlow N. Higginbotham, members of the committee, from the company's administration ticket for trustees of the Mutual company came up before Supreme Court Justice Howard today. The proceedings were in the form of an application for an order requiring Superintendent Kelsey of the state insurance department to strike the four names from the list of nominations filed with him. The papers were amended so as to include the Mutual company with Superintendent Kelsey in the case as a respondent.

Samuel Untermyer, general counsel for the policyholders' committee, filed a brief, and Mr. McKee, general solicitor of the Mutual, was given until Monday to do so.

Not Compelled to Accept.

Justice Howard said the only question for the court to decide was whether the proper proceedings had been adopted to have the names removed. He intimated, however, that there was no law under which a man could be compelled to serve as a trustee against his will.

"The whole purpose of the beneficial legislation of 1895 will be defeated," said Mr. Untermyer in the course of his argument, "if by devious methods those at present in control of the insurance companies, and particularly of the Mutual Life, shall be permitted to obstruct the free and intelligent exercise by qualified voters of the right of suffrage conferred upon them. In exercising that right they are entitled under that act to the cooperation of the defendant in enforcing upon the company the performance of all its statutory duties in the matter of nominations and elections. The superintendent of insurance is specifically given the supervision of the election and required to approve the form of ballot. These are duties resting upon him in his official character solely, and are in every respect public duties, and properly subject to enforcement by the courts.

Dishonest and Contemptible.

"The dishonest purpose that animated the trustees of the Mutual Life Insurance company in making these unauthorized nominations, is as clear as is contemptible. They have taken a leaf out of the book of disreputable politicians. The nomination of a few reformers in conjunction with tried and true henchmen of the political machines is a favorite resort of political bosses driven to desperation, and not infrequently hitherto has accomplished the purpose of confusing enough voters to insure the election of candidates who otherwise would have been defeated.

The only question that seems to be involved here," said Justice Howard, "is whether you can place a man on a ticket against his will.

"Men are nominated every day in the week without their knowledge," replied McKee, "and it is generally considered a high compliment. Our company has not yet received any declination of the men named in this proceeding."

Meet me at Calder's Wednesday, August 1, at 9 p. m.

## WORK OF DESPERATE MEN

Coal Merchant and Policeman Shot by Robbers in Suburb of Boston.

Boston, July 28.—Patrolman Herman Shield and Thomas Hickey of Wakefield, a coal merchant, lie seriously wounded at the city hospital, the victims of three robbers who in broad daylight held up, robbed and shot Hickey in his office at Charlestown today and then engaged in a street battle with the police in which Shield was maimed by bullets fired by the desperadoes. Such a bold crime has not occurred in Boston for many years and the police directed every effort to capture the third of the criminals, the other two having been arrested as the climax of the struggle with the authorities. Hickey was robbed of \$300 in cash and valuable papers.

The two men taken into custody are George W. Emerson, 27 years of age, of New York City, and Fred Sackett, 30 years old, of Bridgeport, Conn. They entered the coal office while Hickey was alone and he made no money. The merchant refused their demands and was shot through the neck by one of the robbers and then relieved of his money. Though badly wounded Hickey struggled with his assailants, who fled to the street where they were pursued by Policeman Shield. In an exchange of bullets, the officer was shot in the leg and rendered helpless. Other police pursued the robbers and after more shooting captured two of them.

## RANCH COMPANY FORMED.

It Will Sell Idaho Land and Do Real Estate Business.

Articles of incorporation of the Pratt Ranch company were filed with the county clerk yesterday. The company is formed to do a general land and real estate business, and a large quantity of land in the Teton valley, Fremont county, Ida., has been accepted as part payment for capital stock.

The officers of the company are: President, Mathew W. Pratt; vice president, John M. Cannon; secretary and treasurer, Elizabeth S. Pratt. These, with Peter S. Pratt and Evan Stephens, constitute the board of directors. The company is capitalized for \$25,000, the par value of each share being \$1.

## FATAL SANTA FE WRECK.

Albuquerque, N. M., July 28.—Traffic on the Santa Fe railroad was delayed eighteen hours today by a disastrous freight wreck caused by a head-on collision between the fast eastbound freight and the local westbound freight at Agassiz last night. Engineer Seagor of the local freight was instantly killed and his fireman, named Maglier, was fatally injured.

The engineer and fireman of the fast freight saved their lives by jumping.

## A choice bit

for breakfast.

Appetizing, toothsome and delicious.

Grape - Nuts

## DISMAL FEELING HARTJE CAMP

Lawyers Trying to Evolve Scheme to Counteract Testimony of Own Witnesses.

## MORE ARRESTS TO BE MADE

MUCH SYMPATHY FOR MRS. HARTJE.

Pittsburg, July 28.—Counsel for Augustus Hartje today worked on their plans for counteracting the effect of the testimony given yesterday by their witness, Susie Wagner, whose admission that she had received a letter from Mrs. Hartje, which heretofore has not been known, is regarded as very important by attorneys and others who are following the case.

## Will Try Susie Again.

Although in defiance to Judge Robert S. Frazier's expressed wishes, they will not discuss their case out of court, it is understood Susie will be placed on the stand again and an effort made to show that she was mistaken about this new letter.

That two more arrests are to be made in connection with the scandal growing out of the Hartje divorce trial was rumored today. "Those persons," it is said, have been prominently identified with the case and the arrests are to be made after the divorce proceedings.

## Alleged Bribery.

Assistant District Attorney John S. Robb admitted today that he had in his possession the deposition of a man whose first name is "William" in which it is stated that an effort had been made to bribe him to testify in the Hartje divorce case.

Mrs. Hartje has received letters from all parts of the world expressing sympathy. Offers to go on the stage have also been received from New York theatre managers. Mrs. Hartje has paid no attention to the proffers.

In addition to the letters from theatrical managers, Mrs. Hartje had received numerous letters from women's clubs, women of domestic life and shopping girls.

It is said that Mr. Hartje has also received letters assuring him of kindly feeling.

## JEROME GETS THE LETTERS

Missives Written by Evelyn Nesbit to Stanford White in Prosecutor's Possession.

New York, July 28.—A number of letters written by Evelyn Nesbit to Stanford White before her marriage to Harry K. Thaw and the reports of detectives employed by White were given into the custody of District Attorney Jerome today by Delancey Nicol, counsel for the family of Stanford White. Miss Nesbit's letters are said to show only a friendly feeling for White. The detectives were employed by White after he suspected that he was being watched by men employed by Thaw.

It was learned today that the Rev. John A. Wade, the Tomb chapelain who sailed today for Europe, carried with him a number of letters to the Countess of Yarmouth, the prisoner's sister. The chaplain will visit the countess.

When Mrs. Thaw was leaving the Tomb after visiting her husband today she was questioned about the letters to the Countess of Yarmouth. She replied: "I don't wish to talk about them."

Robert O'Mahony of Pittsburg again visited Hhaw today.

## LOGAN MEN WILL PROTEST

Republicans Will Urge Governor Not to Convene the Legislature.

It was announced yesterday that a committee of Logan and Cache county Republicans will wait on Governor John C. Cutler tomorrow and urge him not to convene the legislature in special session to submit a constitutional amendment consolidating the University of Utah and the State Agricultural College.

Aside from putting up an argument in behalf of the agricultural college on its merits, these men will tell the governor that to convene the legislature for such a purpose will make Cache county go Democratic at the next fall election. Political considerations will be urged as strongly as possible.

It is expected that Governor Cutler will announce his decision in the extra session matter this week.

## Painting.

And general decorating. F. P. Keate, 22 E. 6th South. Bell phone, 1610-Y.

## STRUGGLE AT TONOPAH.

Miners Determined to Force the Eight-hour Day.

Reno, Nev., July 28.—A special to the Gazette from Tonopah says: The vote on the proposition of the eight-hour day was taken yesterday. Another conference of the Tonopah Mine Owners' association will be held Sunday to consider the labor situation, the employers having almost by unanimous vote rejected the wage and time schedule submitted several weeks ago.

Everything is quiet, but fears are entertained that a strike may result. In the event that a strike follows the miners of Goldfield, Manhattan, Bullfrog and the other near-by camps are expected to throw strong financial support to the Tonopah miners where it is believed the decisive battle between the federation and the employers will be fought.

Goldfield, Nev., July 28.—Despite the action of the Tonopah miners union today in declining to accept the offer of the Mine Owners' association, it is believed that all differences will be settled. The mine owners have been in session all day, and from authentic sources it is learned that an agreement has been arrived at. There is absolutely no foundation for the rumor that the miners are ready to strike. They demand the eight-hour day for all employees, whether working above or below ground.

The owners insist on nine hours for blacksmiths, carpenters and electricians.

## REAL DUEL IN ITALY.

Madrid, July 28.—Captain Castelo, of the artillery, a son of General +, was dangerously and +, probably mortally wounded in a + duel with swords fought yesterday + evening with Senor Arroyo. The + letter read.

## PLEET OF ABLE MED TO BE FOUND

Democratic Party in New York Has Best of Material for Governor.

## HEARST NOT IN THE LIST

POINTED REMARKS OF JUDGE PARKER.

Utica, N. Y., July 28.—Former Judge Alton B. Parker, in an interview here today, discussed the coming state election. He declared that the Democratic party was rich in men who could fill the office of governor and mentioned, among others, ex-Judge D. Cady Herkles, the party's nominee at the last gubernatorial election; John B. Stanchfield of Elmira, Mayor of Buffalo, France's ambassador in New York City; John G. Milburn of Buffalo, William Church Osborne of Putnam county; District Attorney Jerome of New York; Justice William F. Gaynor, Martin W. Littleton and Edward M. Groat of Brooklyn.

Mr. Parker said that while, with possibly two exceptions, none of these men was a candidate, yet he did not believe that any of them would refuse to serve if called upon.

## Why He Omitted Hearst.

"But," said the interviewer, "you have not mentioned Mr. Hearst, who is discussed every day as a candidate."

"The last utterance of Mr. Hearst I have read," said Judge Parker, "is the effect that he intended to accept the nomination of the Independence League. He stated in an interview in the Brooklyn Eagle of June 12, 'If I am nominated by the Independence party it will be on a platform that expresses the principles I believe, and I will make the campaign on that platform and no other consideration will enter into the matter. There will be no deal or bargain made with the leaders of any political machine, but every one endorsing the sentiments of the Independence party will be invited to support its candidates.' That language is unambiguous, and announces clearly his intention to be a candidate on the platform only of the Independence League."

## Object of the League.

"But that was June 12," said the interviewer, "and since then men who were at work during the year building up the Independence League have been openly striving for the control of the Democratic caucus in order to secure delegates to the Democratic convention favorable to Mr. Hearst, and some such delegates have been elected. It is asserted in many quarters and, indeed, believed, that the Independence League was organized to compel the Democratic party to accept Mr. Hearst as its nominee."

"While I know," Mr. Parker replied, "that such assertions are constantly made and some are inclined to believe them, I am convinced that Mr. Hearst has been chosen, if all this should be believed, that the Independence League was too shrewd a man to believe it possible that a Democratic convention would be made up of delegates so absolutely pusillanimous as to surrender to one demanding that the party deliver up to him the honor and power he covets, or suffered defeat."

## CLAIMS SELF-DEFENSE.

Youth Shoots Two Men and a Woman in Pennsylvania.

Pittsburg, July 28.—James Painter is dead, Katherine McCuskey, aged 23, seriously wounded, and William M. A. Cline, aged 18, wounded in both legs, as a result of a mysterious shooting near Dravosburg, Pa., yesterday.

This evening the mystery was cleared by the confession of Michael Cizio, an 18-year-old boy, who walked into the McKeesport police station and gave himself up.

Cizio said he shot two men and the woman, but he did it in self-defense after he had been robbed and thrown into the river. He was locked up pending an investigation.

## LADIES' DAY AT SALT AIR.

Monday will be ladies' day at Salt Air. All ladies will be given FREE TRANSPORTATION to and from the resort on that day. Trains will run every forty-five minutes after 1 o'clock.

## BORAH ENDORSED FOR TOGA OF DUBOIS

(Special to The Herald.)

Challis, Ida., July 28.—The Republican county convention, held here today, which elected five delegates to the Republican state convention, endorsed the nomination of Borah for United States senator and J. M. Stevens for district judge of the Sixth judicial district. Aside from an endorsement of the state administration there was no important action taken by the delegates. A special train will take the Custer delegation from Mackay Sunday.

## The Bismarck

German Lunch Room carries everything in the line of German lunches and delicacies.

The new name for Calder's park will be announced at the park Wednesday, August 1, at 9 p. m.

## CLOUDBURST IN ITALY.

Ancona, Italy, July 28.—A cloudburst has devastated the Camerino region. The village of Castel St. Angelo suffered most seriously. A number of buildings there fell and the water, forming an impetuous torrent, carried off and drowned from five to ten persons.

All first-class restaurants and homes have Vienna bakery bread.

## MEXICANS ON STRIKE.

El Paso, Tex., July 28.—Mexican shopmen are striking at Aguas Calientes, as well as Chihuahua, of the Mexican Central, asking for the same wages paid Americans. The strike threatens to tie up the road. The head of the new Mexican Railway union declares these strikers have unions of their own and do not belong to the big organization which is attracting much attention at present.

## RUSHMER.

MANUFACTURING OPTICIAN.

73 West 1st St. Both phones 1763.

## STORM IN WISCONSIN.

Janesville, Wis., July 28.—Fifty thousand dollars damage was done today by a storm which swept over the country near Janesville. Churches, warehouses, factories and large barns were damaged or destroyed.

## High Grade Wall Paper.

Charles H. Bodel, 33 East First South.

Dr. D. Moore Lindsay has moved his office to 171 Keith-O'Brien building.

If you are interested in the name contest, visit Calder's park Wednesday, August 1, at 9 p. m.

## ROOSEVELT IN AN ISLAND DEAL

Had Arranged to Take Over a Group From Ecuador on Payment of \$5,000.

Guayaquil, Ecuador, July 28.—The government newspapers have caused a sensation here by the publication of documents found among ex-President Garcia's private papers. A document found treats of the sale of the Galapagos islands to the United States. It appears that the islands were first offered to France. Senor Garcia's memorandum says:

"While at Washington I visited President Roosevelt and inquired into the question whether the United States was disposed to take over the Galapagos islands, paying Ecuador \$5,000 in gold for them, thus recognizing Ecuador's sovereignty over the islands. Mr. Roosevelt replied that he would recommend the proposal to congress and was sure it would be accepted, offering to appoint the American minister to continue the negotiations in Quito."

"A few days later Joseph W. J. Lee, the American minister to Ecuador, arrived in Ecuador."

## Garcia Deposed.

It appears that the Alvaro revolution, which ended the overthrow of Senor Garcia, ended the negotiations. The official papers call Garcia and his ministers traitors for trying to sell part of the national territory.

The negotiations with France are said to have been interrupted owing to the belief that the United States would not consent to a European power acquiring the islands.

A meeting was called at Quito, the capital last night to protest against this action taken by Senor Garcia and his ministers.

The Galapagos islands are a group in the Pacific belonging to Ecuador, on and near the equator, 130 miles west of the coast of Ecuador. They consist of thirteen islands, the largest, Albemarle island, being sixty miles in length.

On Charles island a small colony of Ecuadorians was established, forming a penal settlement, and this island contains most of the population, which hardly exceeds 400.

## DO YOU REALIZE

The great risk you are taking in allowing the stomach to become weak and the bowels constipated? Serious sickness is always sure to follow. Be wise in time and commence taking

## HOSTETTER'S STOMACH BITTERS

This little hint will save you much unnecessary suffering for it corrects all Stomach, Liver and Bowel ills promptly, and thus cures Poor Appetite, Dyspepsia, Bilioussness, Costiveness, Indigestion, Cramps, Diarrhoea or Malaria. Try it.

## The Busy Corner

"Phones 228.

## Savon Dore

Sunday is a day that Savon

Dore—the finest soap made—

will appeal to particular persons.

Ideal and peculiarly adapted

to western alkali water.

## The Smith Drug Co.

KEEPS OPEN ALL NIGHT.

## THE SHORT SLEEVE GIRL

Is interested in bracelets and ought to see what we are selling.

## ESTABLISHED 1862

Park's JEWELRY STORE 170 MAIN ST.

SALT LAKE CITY, UTAH.

REASONABLE PRICES.

## Sometimes

Your eyes are weak or the sight is defective. We can help you by making glasses to strengthen the eyes or correct the defects. We are expert opticians. Eyes tested free for glasses. If you don't need them we tell you so.

## RUSHMER.

MANUFACTURING OPTICIAN.

73 West 1st St. Both phones 1763.

## CLAYTON MUSICCO.

Leading Music Dealers

109-11-13 So. Main St.

SALT LAKE CITY.

## NAVAL OFFICER IS KILLED

Cruiser Chattanooga Passed Too Close to French Crew at Target Practice.

Chefoo, China, July 28.—Lieutenant Clarence England, navigating officer of the United States cruiser Chattanooga, was wounded at about noon today by a rifle bullet fired by a member of the crew of the French armored cruiser Dupetit Thoudars and died at 6 o'clock this evening.

The Chattanooga, with Lieutenant England on the bridge, was proceeding from the harbor to the target range, just outside and was passing the French squadron which was anchored near the American squadron and was engaged in small arms practice. The Chattanooga, after several bullets had struck the side of the ship, signalled to the Frenchmen to cease firing, but before this was accomplished Lieutenant England was struck in the back

at the base of the spine, probably by a ricochet bullet which left his body under the arm.

The crew of the Dupetit Thoudars later continued their practice from the deck of the cruiser. Their fire was directed at targets in the water, differing from the American practice of landing men on a barren island at the entrance of the harbor. The French squadron here consists of nine ships and the American of seven.

Washington, July 28.—Great regret was expressed at the navy department today upon the receipt of the news of the shooting of Lieutenant England. He had a number of friends among the officers here, and a brother, Captain Lloyd England, of the artillery corps, United States army; his father, J. E. England, is next of kin and lives in Little Rock, Ark. Lieutenant England was appointed from Arkansas in 1880 to the naval academy and became a lieutenant in 1902. He has been on the Chattanooga since 1904.

Naval officers here believe the shooting was entirely accidental and it is expected the French officials will make ample apologies.

## RECEPTION BY IRISH CLUB

Sons of the Emerald Isle in London Entertain William J. Bryan.

London, July 28.—Mr. and Mrs. William J. Bryan were the guests at a reception given by the Irish club this evening. They were welcomed in behalf of the members by Bishop O'Connor. Mr. Bryan replied briefly, thanking the members of the club and dwelling on the important part played by the Irish in building up the United States.

Mr. and Mrs. Bryan, accompanied by Colonel Wetmore, M. F. Dunlap, Mrs. Dunlap and Miss Dunlap of Chicago, left London tonight for Holland. They will visit Amsterdam and The Hague on Sunday and go to Cologne Monday, where Mr. and Mrs. Bryan will join their daughter and then go up the Rhine to Switzerland and Venice, Florence, Rome and Naples successively, making stops and reaching Paris between Aug. 10 and 15. They will then go to Madrid, Granada and Gibraltar, whence they will sail for home on the North German Lloyd steamer Princess Irene Aug. 20.

Mr. and Mrs. E. L. Master of Chicago will join the party at Gibraltar.

## AERONAUT TO BEAT RECORD TODAY

Patrons of the Salt Palace will witness a remarkable aeronautic exhibition

this afternoon at 3 o'clock. At a late hour last evening Manager Halverson signed a contract with Bert Nelson, the

daring young aspirant for aerial honors, to make an ascension in Coleman's

balloon, the aeronaut agreeing to rise to a height of 9,000 feet. He has challenged Coleman to duplicate the performance.

Nelson made his first balloon ascension at Calder's park some years ago

and dropped 2,500 feet before his parachute opened. He is probably the

only man alive about whom the same can be said. He looped the loop at the

Salt Palace and in Provo, when that game was new, with disastrous results,

but he is still game and more than willing to take a chance with death. In

the act of the Utah balloonist this afternoon, it begins at 3 o'clock.



his career as a public performer the

young man has suffered the fracture of

thirty-nine bones, yet he will not give

up; and his exhibition at the Salt Palace

this afternoon promises to be the most sensational of all.

The world's record for a parachute

jump is 7,500 feet. Nelson himself holds

the record west of the Missouri river—

7,200 feet—and it is the world's record

he is after. He is prepared to place a

side bet of \$750 that he can go higher

than Coleman, the distinguished aeronaut

who is making daily ascensions at the

Salt Palace, and with this new phase

of the situation before the public there

should be extraordinary interest in the

act of the Utah balloonist this afternoon. It begins at 3 o'clock.

## TEMPORARY OFFICE

## FIREMEN'S FUND INSURANCE CORPORATION

OF SAN FRANCISCO, CALIFORNIA.

Corner Eleventh and Franklin streets.

Oakland, Cal., July 15, 1906.

## STATEMENT.

This new corporation was organized May 16, 1906, with a capital stock of \$1,000,000, divided into 10,000 shares of \$100 each, and in addition thereto a net surplus of \$1,000,000 payable in quarterly installments of \$500,000 each. Over \$400,000 has already been paid in in cash. Succeeding quarterly payments fall due September 20 and December 20, 1906, and March 20, 1907.

The corporation was licensed to do an insurance business by the California Insurance Commissioner on May 19, 1906.

IT HAS NO LIABILITIES IN THE DESTROYED DISTRICT OF SAN FRANCISCO, AND IS